

CV-14-S-0402-NE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

(Brandon Contrell Cotton)

Brandon Cotton

Inmate Identification Number: 264212

(Enter above the full name of the plaintiff
in this action)

NOTICE TO FILING PARTY

*It is your responsibility to
notify the clerk in writing of any
address change.*

*Failure to notify the clerk may
result in dismissal of your case
without further notice.*

vs.

Dewayne Estes

Mike Jones

G. McGhee

Goy Noe

(Enter above full name(s) of the defendant(s)
in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes (☒) No (☐)

- B. If the answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff:

Brandon Cotton

Defendant(s):

Dewayne Estes

2. Court (if Federal Court, name the district; if State Court, name the county)
Northern District of Alabama
3. Docket number 5:13-CV-1376
4. Name of judge to whom case was assigned
John O'H
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) Dismiss
6. Approximate date of filing lawsuit Aug. 2013
7. Approximate date of disposition Sept. 2013

II. Place of present confinement Limestone Corr. Facility

- A. Is there a prisoner grievance procedure in this institution?
Yes () No (☒)
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes () No ()
- C. If your answer is YES:
 1. What steps did you take? N/A
 2. What was the result?
- D. If your answer is NO, explain why not:

III. Parties.

In item (A) below, place your name in the first blank and place your present address in the second blank.

A. Name of Plaintiff(s) Brandon Cotton

Address 28779 Nick Davis Rd
Harvest AL 35749

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant Dewayne Estes

Is employed as Warden

at Limestone

C. Additional Defendants _____

See attachment

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

See Attachment

See Attachment

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

See Attachment

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____

Brandon Cotton
SIGNATURE

ADDRESS 28779 Nick Davis
Rd. Harvest, ALA 35749-7009

AIS # 264212

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA

BRANDON COTTON, AIS : 264212
PLAINTIFF

-VS-

DEWAYNE ESTES, ET. AL.
DEFENDANT'S

FILED
2014 MAR -7 A 11:42

U.S. DISTRICT COURT
N.D. OF ALABAMA

Civil Action Number: _____

CV-14-S-0402-NE

JURISDICTION & VENUE

This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation, under color of state law of rights secure by the constitution of the United States. The court has jurisdiction under 28 U.S.C. section 1331 and 1334 (a) (3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section 2201 and 2202. Plaintiff claims for injunctive relief are authorized by 28 U.S.C. section 2283 & 2284 and Rule 65 of Federal rules of Civil Procedure.

The Northern district of Alabama is an appropriate venue under 28 U.S.C. section 1391 (b) (2) because it is where the events giving rise took place.

PLAINTIFF

Plaintiff Brandon Cotton Ais number 264212 is and was at all mention herein a prisoner of the state of Alabama, in the custody of Alabama Department of Corrections who is currently confine in Limestone Correctional Facility, located in Harvest, Alabama.

DEFENDANT'S

Defendant Kim Thomas is the Commissioner of Alabama Department of Correctional. He is legally responsible for the overall operation of the department and each institution under it's jurisdiction, including Limestone Correctional Facility.

Defendant Dewayne Estes is the Warden of Limestone Correctional Facility he is legally responsible for all inmates incarcerated at Limestone Correctional Facility.

Defendant Guy Noe is a correctional officer of the department of Corrections who is at all time mentioned in this complaint, held the rank of Captain and is assigned to Limestone Prison A-Side.

Defendant, G. Mcghee is a correctional Officer of the department of Corrections, who at all time mentioned in this complaint, held the rank of Correctional Officer one. and is assigned to Limestone prison B dorm.

Defendant Mike Jones is a correctional Officer of the department of Corrections, who at all times mentioned in this complaint, held the rank of sergeant at Limestone Prison.

Each Defendant is sue individually and in his official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

FACTS

The plaintiff Brandon Cotton # 264212 is assigned to B-dorm cell 59 at Limestone Correctional facility.

The plaintiff and his roommate Darius Welch was in our cell asleep on the morning of May 4, 2013 between the hour of 4:00am and 5:00am in the special unit (HIV UNIT) when inmate Lamar Temple 135246 who lives on the other side of the institution manage to get pass the correctional officer at the cross over gate to A-side of the camp, and Officer G. McGhee allowed inmate Temple to enter the HIV unit, Dorm B Cell 59.

Inmate Temple attempted to wake inmate Welch up in order to do harm to inmate welch and Cotton. My roommate Darius Welch tried to get him (Lamar Temple) to leave the cell, at this time inmate Temple pull a prison made knife out in order to do harm to inmate Welch, Plaintiff jump from his bed in order to assist inmate welch from getting stabbed with the knife.

Inmate welch manage to get from Temple when plaintiff grabbed inmate Temple in order to restrain him , at this time inmate Temple manage to get hold off a razor blade and cut plaintiff several times in the face at this time plaintiff Cotton was bleeding severly at this time.

Officer Ross who was the B dorm roval, who also alloweed inmate Temple to enter B dorm had enter cell 59 at this time, who at this point tried to defuse the incident.

Sgt. Mike Jones was the first supervisor to arrive on the seen, Inmate Temple was place in handcuff and escorted to the health care unit for a body chart alone with plaintiff.

Plaintiff inform Captain Guy Noe of the problems with Inmate Temple alone with his roommate Darius Welch, however Captain Guy Noe and the staff here at Limestone ignore the complaints. The staff here manage to ignore all verbal complaints made to them concerning inmate Lamar Temple the said incident could have been avoided if the staff had took action in this matter.

EXHAUSTION OF LEGAL REMEDIES

Plaintiff, Brandon Cotton use the procedure by informing Captain Guy Noe (verbal) of the problems with inmate Lamar Temple. Limestone do not have a prison grievance procedure, no effort was made to try and solved the problems.

LEGAL CLAIMS

Plaintiff realledge the incident in this matter, the cuts and assault that inmate Lamar Temple did and the fact plaintiff inform Captain Guy Noe violated plaintiff rights and constituted under cruel and unusual punishment under the 8th amend right to the U.S. constitutional. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs decs describe herein . Plaintiff has been and will continue to be irreparably injury by the conduct of the defendants unless this court grants declaratory and injunctive relief which plaintiff seeks.

RELIEF

A DECLARATION THAT THE ACTS DESCRIBE HEREIN VIOATED PLAINTIFF RIGHTS UNDER THE UNITED STATES CONSTITUTION.

compensatory damages in the amount of 45,000.00 against each defendant and punitive damages in the amount of 100,000.00 against each defendant. A jury trial on all issues triable by jury, plaintiff cost in suit attorney fees any other relief court deem just.

VERIFICATION

I Have read the forgoing complaint and hereby verify the matter alledge therein are true I certify under penalty of perjury.

Brendan C. Cotton

Plaintiff

STATE OF ALABAMA
COUNTY OF LIMESTONE

SWORN AND SUBSCRIBE BEFORE ME THIS 4 DAY OF March 2014

Daryl Degraffenreid
Notary Public

10-30-17
My Commission expires